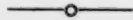


APPENDIX

INTERPRETATIVE BULLETIN No. 10.

Wage and Hour Division, U. S. Department of Labor.

ADMINISTRATOR'S OPINION—



Farmers' Cooperative Associations under the Fair
Labor Standards Act of 1938.

Issued March 31, 1939.

x x x x x

"2. The phrase "by a farmer" was intended to cover practices performed either by the farmer himself or by the farmer through his employees. Employees of a farmers' cooperative, however, are employed not by the individual farmers who compose its membership or who are its stockholders, but by the cooperative association itself. Cooperative associations, whether in the corporate form or not, are distinct, separate entities from the farmers who own or compose them. The work performed by a farmers' cooperative association is not work performed by a farmer but for farmers. The legislative history of the Act supports this interpretation. Statutes usually exempt farmers' cooperative associations in express terms if an exemption is intended. The omission of an express exemption from the Fair Labor Standards Act is significant since many unsuccessful attempts were made on the floor of Congress to secure special treatment for such cooperatives. Employees of a farmers' cooperative association, therefore, in our opinion, are not, engaged in "any practices" * * performed by a farmer* * within the meaning of Section 3 (f) and are not exempt on the basis of this part of the definition of "agriculture" from the wage and hour provision of the Act.